



**CITY OF SUNNYVALE  
REPORT  
Planning Commission**

**September 26, 2005**

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**SUBJECT:**           **2005-0717** - Appeal of a Decision by the Director of Community Development denying a Tree Removal Permit for a Canary Island Palm Tree. The property is located at **1115 Polk Avenue** in an R-1 (Low-Density Residential) Zoning District.

**REPORT IN BRIEF**

**Existing Site Conditions**           Single Family Residence. The subject Canary Island Palm tree is located in the back yard

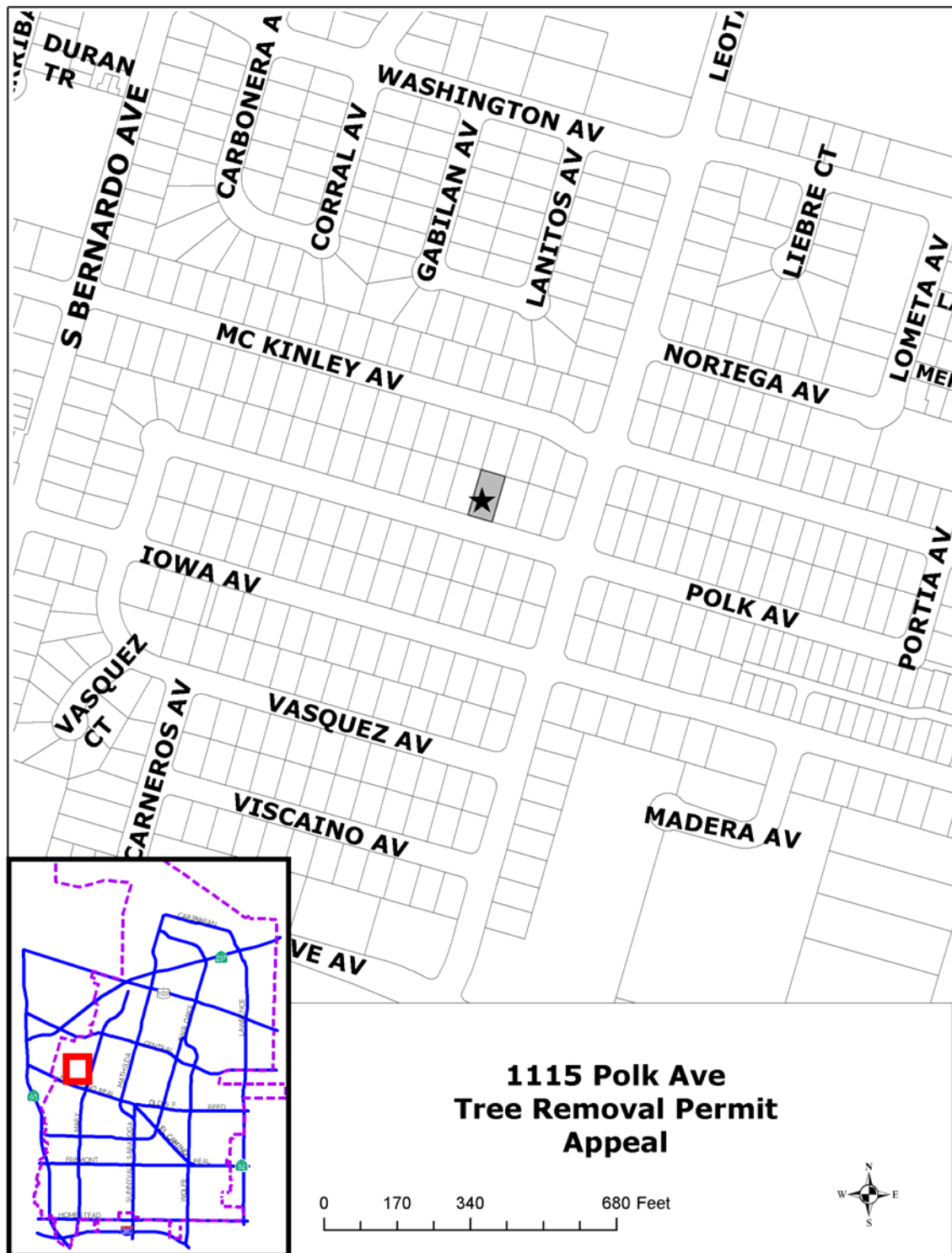
**Surrounding Land Uses**

North	Single Family Residential
South	Single Family Residential (across Polk Ave.)
East	Single Family Residential
West	Single Family Residential

**Issues**                               Tree Removal Permit - Appeal

**Environmental Status**           A Class 4 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

**Staff Recommendation**           Deny the appeal and uphold the Decision of the Community Development Director to deny the Tree Removal Permit.



**PROJECT DATA TABLE**

	<b>EXISTING</b>	<b>PROPOSED</b>	<b>REQUIRED/ PERMITTED</b>
<b>General Plan</b>	Low Density Residential	Same	---
<b>Zoning District</b>	R-0	Same	---
<b>Lot Size (s.f.)</b>	6,251	Same	6,000 min.

**ANALYSIS****Description of Proposed Project**

On July 20, 2005, the property owner requested a Tree Removal Permit for the removal of the Canary Island Palm located in the back yard of a single family home. On July 25, 2005, the City Arborist inspected the tree and recommended denial for the subject tree removal permit (Exhibit C – Pictures). Following this recommendation, Planning Division staff visited the site and concurred with the City Arborist's recommendation and notified the applicant of the denial of the Tree Removal Permit (Exhibit D – Permit Letter) on August 3, 2005. The applicant has appealed the denial of the Tree Removal Permit (Exhibit E – Appeal Letter).

**Background**

**Previous Actions on the Site:** The following table summarizes previous planning applications related to the subject site.

<b>File Number</b>	<b>Brief Description</b>	<b>Hearing/Decision</b>	<b>Date</b>
2005-0717	Tree Removal Permit for Canary Island Palm	Staff Review/ Denial	8/8/05

**Environmental Review**

A Class 4 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 4 Categorical Exemptions includes minor alteration of land.

**Tree Preservation Ordinance (SMC 19.94)**

On December 12, 1991, the Tree Preservation Ordinance was established in order to preserve mature trees of significant size. Chapter 19.94 of the Sunnyvale Municipal Code defines a 'protected tree' as a tree with circumference equal to or greater than 38 inches when measured four feet above the ground. A Tree Removal Permit must be obtained prior to removal of a protected tree from private property in any zoning district. An application to remove a tree may be issued if:

1. The tree is diseased or badly damaged;
2. The tree represents a potential hazard to people, structures or other trees;
3. The tree is in sound condition, but restricts the owner's or the neighbor's ability to enjoy reasonable use or economic potential of the property.

**Applicant's Appeal**

The applicant's appeal letter notes the following (see Attachment E for Applicant's Appeal Letter):

- Tree is a potential hazard as the tree is unstable due to exposed root ball;
- Tree does not allow full use of the property as the large size of the tree and its shade adversely affects growth of other landscaping;
- High cost of building terraced planter to accommodate the roots;
- Tree provides rodent habitat.

**Staff Discussion**

The City Arborist and Planning Staff visited the site and determined that the subject tree, located in the middle of the back yard, appears to be healthy, and structurally sound. The tree has outgrown the planter box that it was originally planted in, which is in disrepair.

Staff examined the issues noted by the applicant and notes the following:

- Stability of the tree due to exposed root ball: The City Arborist notes that stability of the tree is not necessarily indicated by the roots that are visible but by the root system below ground in relation to the load above. The exposed roots near the tree base are commonly found in this tree species located near lawns where the moisture condition generates adventitious roots and are not indicative of roots performing any structural function. The City Arborist notes that this tree was planted in a bottomless planter box where the roots have grown below (approximately 2-5 feet deep below the ground and spreads 3-4 times

the depth across (6-20 feet)) to provide tree nutrition and stability. The exposed roots above the natural grade represent a minimal portion of the root ball. The City Arborist notes that if the stability of this tree is to be verified, he suggests trenching below the natural grade under the guidance of a Certified Arborist.

- Shade of subject tree does not allow full use of the property: The subject palm is located in the middle of the backyard, away from fences and structures, and hence will not cause damage to either. The tree is approximately 45-50 feet high with a 30-foot canopy. The shadow cast by the tree would not be that intense so as to disallow any landscaping to grow below. Staff suggests utilizing shade loving landscaping to address this situation.
- High Cost of building terraced planter: The City Arborist suggested a terraced landscaping solution to be incorporated in the upgraded landscaping. This cost is not unreasonably high compared to the cost of the project. Other non-expensive alternatives would be installing a new wooden planter box around the base that would adequately cover some of the exposed roots. Another alternative would be to cover the exposed roots at base of the tree in a mound that could be incorporated in the new landscaping.
- Rodent Habitat: Staff notes that any vegetation that is not maintained becomes rodent habitat. Staff suggests routine pruning/clearing fronds as a technique to reduce rodent infestation.

In addition, staff notes that some palms that grow very tall and have small spreads have been allowed for removal as they have significantly reduced landscape value. Although these Palm trees are not native to this area, the Tree Ordinance does not differentiate tree types but instead encourages “the diversity of trees that are of economic value to the City ...” (SMC 19.94.010(a)). This is a mature tree and the estimated remaining life of the tree is 20 to 40 years.

**Expected Impact on the Surroundings:** The subject tree, approximately 45 feet high with a 30-foot canopy, is visible from the street behind the house roofline. Removal of the tree would have a detrimental effect on the overall streetscape.

### **Fiscal Impact**

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No fiscal impacts other than normal fees and taxes are expected.

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**Public Contact**

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<b>Notice of Public Hearing</b>	<b>Staff Report</b>	<b>Agenda</b>
<ul style="list-style-type: none"><li>• Published in the <i>Sun</i> newspaper</li><li>• Eight notices mailed to property owners and residents adjacent to the project site</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City of Sunnyvale's Website</li><li>• Provided at the Reference Section of the City of Sunnyvale's Public Library</li></ul>	<ul style="list-style-type: none"><li>• Posted on the City's official notice bulletin board</li><li>• City of Sunnyvale's Website</li><li>• Recorded for SunDial</li></ul>

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**Conclusion**

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**Findings and General Plan Goals:** Staff is recommending denial for this project because the Findings (Attachment A) were not made. However, if the Planning Commission is able to make the required findings, staff is recommending the Conditions of Approval (Attachment B).

**Conditions of Approval:** If the appeal is approved by the Planning Commission, staff is recommending Conditions of Approval which are located in Attachment B.

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**Alternatives**

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1. Deny the appeal and uphold the denial of the Tree Removal Permit.
2. Grant the appeal and approve the Tree Removal permit subject to the recommended Conditions of Approval.
3. Grant the appeal and approve the Tree Removal Permit subject to modified Conditions of Approval.

**Recommendation**

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Recommend Alternative 1.

Prepared by:

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Shétal Divatia  
Project Planner

Reviewed by:

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Gerri Caruso  
Principal Planner

Reviewed by:

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Trudi Ryan  
Planning Officer

Attachments:

- A. Recommended Findings
- B. Recommended Conditions of Approval
- C. Photos of Subject Tree
- D. Letter denying the Tree Removal Permit
- E. Letter of Appeal from the Applicant and Site Plan

**Recommended Findings – Tree Removal Permit**

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In order to grant a Tree Removal Permit, one or more of the following findings must be met. Staff was unable to make these required findings.

1. The tree is diseased or badly damaged.

*The subject tree is not diseased or damaged, and is in good health.*

2. The tree represents a potential hazard to people, structures or other trees.

*City Staff inspected the site and the subject tree. The Palm tree was planted in a bottomless planter box which needs repair/replacement. The exposed roots are a result commonly found in this tree species located near lawns and the moist conditions generate adventitious roots. These roots represent a very small portion of the root ball which would be located 2-5 feet below ground and extends 3-5 times that depth. Hence the exposed roots do not indicate the size of the root ball and stability of the tree. The City Arborist notes that the tree is structurally stable and recommends covering the base with another planter similar to the existing one or an enlarged size or mounding that can be incorporated in the applicant's landscape theme.*

3. The tree is in basically sound condition, but restricts the owner's ability to enjoy the reasonable use or economic potential of the property, or unreasonably restricts an adjoining property's use or economic potential of the adjoining property. In the event this is the sole basis for the application, the following criteria shall be used to evaluate the application under this subsection:

- a. The necessity of the requested removal to allow construction of improvements such as additions to existing buildings or incidental site amenities or to otherwise allow economic or reasonable enjoyment of property;
- b. The topography of the land and the effect of the requested action on water retention and diversion or increased flow of surface water;
- c. The approximate age of the tree relative to its average life span;
- d. The potential effect of removal on soil erosion and stability where the tree is located;
- e. Current and future visual screening potential;
- f. Any other information the Director of Community Development finds pertinent to the application.

*Staff believes that the Palm tree is not restricting reasonable use or economic potential of the property. The tree has a remaining life expectancy of at least another 20-40 years. Staff believes that the subject tree is in good health, is*



*located in a reasonably acceptable location, and has a significant remaining lifespan that merits preservation.*

**Recommended Conditions of Approval – Tree Removal Permit**

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In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit:

Unless otherwise noted, all conditions shall be subject to the review of approval of the Director of Community Development.

1. One replacement tree, a minimum of 15 gallon size, shall be planted anywhere on the property or an in-lieu fee of \$222.00 be paid to the City to allow a tree to be planted in a City park or other public property.
2. The replacement tree shall be planted within 90 days of the tree removal date.



View of Palm tree from Street





**View of tree in back yard**



**View of tree base with exposed roots**





**View of tree base with broken planter**



**Closer view of exposed roots above wooden planter**